

AMENDED IN SENATE MAY 2, 2012  
AMENDED IN SENATE APRIL 11, 2012

**SENATE BILL**

**No. 1154**

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**Introduced by Senator Walters**  
*(Coauthors: Senators Alquist and Lowenthal)*

February 21, 2012

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An act to add Section ~~60063~~ 60064 to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 1154, as amended, Walters. Instructional materials: digital format.

Existing law requires the State Board of Education to adopt at least 5 basic instructional materials in specified subject areas for use in kindergarten and grades 1 to 8, inclusive, for district boards, as defined. Existing law also requires the governing board of each school district maintaining one or more high schools to adopt instructional materials that meet specified criteria for use in the high schools under its control. *Existing law prohibits the state board from adopting instructional materials until the 2015–16 school year.*

Existing law requires a publisher or manufacturer of instructional materials to provide to the state, at no cost, computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard instructional materials.

This bill would require a publisher or manufacturer submitting ~~an~~ a *printed* instructional material or supplemental instructional material for

adoption by the state board or the governing board of a school district to, among other things, offer the instructional material *or supplemental instructional material* in both ~~print~~ *printed* and equivalent digital formats, and to provide to a school district, at no cost, an equivalent digital format of a ~~purchased print~~ textbook that *was purchased in a printed format, which* may be used to create a districtwide online digital database for classroom use; if the school district implements a system of online security to ensure the protection of copyright-protected material. *The bill would further require that the instructional material or supplemental instructional material be available in both printed and digital formats for the duration of the adoption.* The bill would exempt from these requirements small publishers and small manufacturers of instructional materials, as defined, *and would specify that these provisions be implemented in accordance with specified provisions suspending the adoption of instructional materials by the state board.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section ~~60063~~ 60064 is added to the Education
- 2 Code, to read:
- 3 ~~60063.~~
- 4 60064. (a) A publisher or manufacturer submitting ~~an~~ *a printed*
- 5 instructional material or supplemental instructional material for
- 6 *approval or* adoption by the state board or the governing board of
- 7 a school district shall do all of the following:
- 8 (1) Offer the instructional material *or supplemental instructional*
- 9 *material* in both ~~print~~ *a printed* and an equivalent digital format.
- 10 ~~(2) Offer the supplemental instructional material in both print and~~
- 11 ~~a digital format.~~
- 12 ~~(3)~~
- 13 (2) Offer the digital instructional material or supplemental
- 14 instructional material as unbundled elements, to enable the digital
- 15 material to be purchased in sections or components.
- 16 ~~(4)~~
- 17 (3) Provide to a school district, at no cost, an equivalent digital
- 18 format of a ~~purchased print~~ textbook that *was purchased in a*
- 19 *printed format, which* may be used to create a districtwide online
- 20 digital database for classroom use; if the school district implements

1 a system of online security to ensure the protection of  
2 copyright-protected material.

3 *(b) The instructional material or supplemental instructional*  
4 *material shall be available in both printed and digital formats for*  
5 *the duration of the adoption.*

6 ~~(b)~~

7 *(c) (1) The requirements of this section shall not apply to a*  
8 *small publisher or small manufacturer of instructional materials.*

9 *(2) For purposes of this subdivision, “small publisher” and*  
10 *“small manufacturer” mean an independently owned or operated*  
11 *publisher or manufacturer, that, together with its affiliates, has 100*  
12 *or fewer employees and average annual gross receipts of ten million*  
13 *dollars (\$10,000,000) or less over the previous three years.*

14 ~~(e)~~

15 *(d) This section does not authorize the use of instructional*  
16 *materials that would constitute an infringement of copyright under*  
17 *the federal Copyright Revision Act of 1976, as amended (17 U.S.C.*  
18 *Sec. 101 et seq.).*

19 *(e) This section shall be implemented in accordance with the*  
20 *suspension of the textbook adoption process pursuant to Section*  
21 *60200.7.*